

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KAYLA PENDER,
*individually and on behalf of
all others similarly situated*

Plaintiff,

v.

**FLYING S. WINGS,
d/b/a Buffalo Wild Wings, et al.,**

Defendants.

**Civil Action 2:21-cv-4292
Judge Algenon L. Marbley
Magistrate Judge Kimberly A. Jolson**

ORDER

Before the Court is Defendants' Motion to Dismiss Opt-In Plaintiff Noah Leiter or in the Alternative Allow Defendants to Take His Deposition After the Fact Discovery Cutoff. (Doc. 100). In it, Defendants say that Plaintiffs' counsel recently informed them that Noah Leiter would be unable appear for his deposition scheduled on October 15. Defendants asked Plaintiffs' counsel if they would agree to produce Mr. Leiter for a remote deposition this week but received no response. Fact discovery closed on October 18, 2024. Defendants request that the Court either dismiss Mr. Leiter from this lawsuit, or allow them to take his deposition even though the discovery deadline has passed.

The Court **GRANTS** Defendants' latter request to be allowed to take Mr. Leiter's deposition after the close of discovery. The parties should work together to schedule Mr. Leiter's deposition on or before October 29, 2024. The parties are reminded that absent extraordinary circumstances, no extensions to the case schedule will be granted (Doc. 86).

IT IS SO ORDERED.

Date: October 24, 2024

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE